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DIS 3-19-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
: :
Curran; *et al.* : Art Unit: 1656
: :
Serial No. 10/078,927 : Examiner: David Steadman
: :
Filed: February 19, 2002 : Atty Docket: SJ-01-0032
: :
For: Cyclin Dependent Kinase 5 :
Phosphorylation of Disabled 1 :
Protein :

APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

This revised Appeal from the rejection of claims 1, 4-8, 10-11, 13-15, 32 and 35 of the referenced application (published on November 21, 2002 as Pub. No. 2002/0172990) dated May 1, 2006 is in response to the Notification of Non-Compliant Appeal Brief issued on December 22, 2006. An Amendment under CRF §§ 1.111 and 1.121 to a non-final Office Action was originally filed on August 23, 2006 in which small portions of the text were missing, and then refiled on October 16, 2006 at the recommendation of the Electronic Business Office. New claims 36 - 40 were added in this Amendment. No action has been issued by the Examiner; however, it is expected the Amendment will be entered. The Notice of Appeal was also filed for this application on August 23, 2006, making this Appeal Brief due on October 23, 2006.

I. REAL PARTY IN INTEREST

The real party in interest in this application is St. Jude Children's Research Hospital by virtue of an assignment executed by both named inventors on February 18, 2002 and recorded in the U.S. Patent Office at Reel/Frame 012919/0525 (4 pages).